

State of Tennessee

In the Circuit Court of Hamilton County

ALLINE E. GOINS and husband,
JACK D. GOINS II

Plaintiff

ASHLAND GARDEN APARTMENTS and
CEDAR LAKE, LLC

Defendant

No. 17C1205

FILED IN OFFICE
2017 NOV -2 PM 3:34
LARRY L. HENRY, CLERK
BY HHN DC

SUMMONS

PLAINTIFF WILL SERVE THROUGH CERTIFIED MAIL RETURN RECEIPT

TO:

Defendant

Cedar Lake, LLC
c/o Registered Agent Smith & Raver, LLP
P.O. Box 7274
Minneapolis, MN 55407

Address

Defendant

Address

Defendant

Address

You are hereby summoned to answer and make defense to a bill of complaint which has been filed in the Circuit Court of Hamilton County, Tennessee in the above styled case. Your defense to this complaint must be filed in the office of the Circuit Court Clerk of Hamilton County, Tennessee on or before thirty (30) days after service of this summons upon you. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint.

WITNESSED and Issued this 2nd day of November, 2017

CIRCUIT COURT OF HAMILTON COUNTY
500 COURTHOUSE
625 GEORGIA AVENUE
CHATTANOOGA, TENNESSEE 37402
423/209-6700

Larry L. Henry, Circuit Court Clerk

By

H. Norkeu

Deputy Circuit Court Clerk

Attorneys for Plaintiff Ryan M. Womack, Esquire BPR # 028869

736 Georgia Avenue, Suite 600, Chattanooga, TN 37402

Address

Plaintiff's Address

Received this _____ day of _____, 20____

/S/

Deputy Sheriff

**State of Tennessee,
County of Hamilton**

I, Larry L. Henry, Clerk of the Circuit Court, in and for the State and County aforesaid, hereby certify that the within and foregoing is a true and correct copy of the original writ of summons issued in this case.

Larry L. Henry, Circuit Court Clerk

By _____ D.C.

OFFICERS RETURN

I certify that I served this summons together with the complaint as follows:

☐ On, _____, 20____, I delivered a copy of the summons and complaint to the defendant, _____

☐ Failed to serve this summons within 90 days after the issuance because: _____

Hamilton County Sheriff

Deputy Sheriff

CLERK'S RETURN

I hereby acknowledge and accept service of the within summons and receive copy of same, this _____ day of _____, 20____.

Defendant

Larry L. Henry, Circuit Court Clerk

By _____ D.C.

Notice to Defendant(s)

Tennessee law provides a ten thousand (\$10,000) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

ALLINE E. GOINS and husband,
JACK D. GOINS II,
Plaintiffs,

vs.

ASHLAND GARDEN APARTMENTS
and CEDAR LAKE, LLC,
Defendants,

)
) No. 17 C1205
)
) IN THE CIRCUIT COURT OF
)
) HAMILTON COUNTY, TENNESSEE
)
)
) JURY DEMAND

FILED IN OFFICE
2017 NOV -2 PM 3:31
LARRY L. HENRY, CLERK
BY [Signature] DC

COMPLAINT

Come the plaintiffs, Alline E. Goins and her husband, Jack D. Goins II, and for their cause of action against the defendant allege as follows:

I.

The plaintiffs are citizens and residents of Cleveland, Bradley County, Tennessee. The defendant, Ashland Garden Apartments, may be served with process through its Manager, Angi Harmon at 4105 Dayton Boulevard, Chattanooga, Tennessee 37415. The defendant, Cedar Lake, LLC, is a domestic limited liability company duly organized under the laws of the State of Tennessee. The defendant may be served with process through its registered agent, Smith & Raver, LLP, P.O. Box 7274, Minneapolis, MN 55407. The acts and omissions alleged herein occurred within Chattanooga, Hamilton County, Tennessee, so this Court has jurisdiction over this cause.

II.

That at all times mentioned herein, the defendants owned and operated on its premise an apartment complex known as Ashland Garden Apartments that was open to the general public.

III.

That prior to 1:00 p.m. on November 3, 2016, the defendant permitted a hazardous condition to exist on its stairway in a place allowing for the passage of the plaintiff, Alline E. Goins, as well as other patrons of Ashland Garden Apartments.

IV.

At said time on the aforementioned date the plaintiff, Alline E. Goins was walking down the stairway of said Ashland Garden Apartments in a careful and prudent manner, when her feet came in contact with the bottom wooden step which collapsed and caught the plaintiff's leg. As a result of this contact, the plaintiff, Alline E. Goins, tripped, lost her balance and fell to the floor, breaking her right ankle.

V.

That the defendant knew or should have known that unless vigilance was used, the defective wooden step would endanger the safety of persons walking on the floor. Said defective wooden step had been on the stairway for such a period of time preceding the fall of the plaintiff that persons of ordinary prudence in the position of defendants should have known, and in the exercise of ordinary care had a reasonable opportunity to remedy the condition, prior to the fall experienced by the plaintiff. In spite of the defendants' notice of the presence of the defective wooden step, defendants negligently failed and omitted to remove or fix the same within a reasonable time or to take any precaution to prevent injury to the plaintiff, Alline E. Goins. The accident and injuries herein alleged were proximately caused by the negligence of the defendants in causing and permitting the defective wooden step to remain on said stairway and failing to take reasonable precautions to prevent injury to the plaintiff, Alline E. Goins.

VI.

The plaintiff received abrasions and contusions about her body; a broken ankle. As a result of these injuries, the plaintiff required medical care and treatment, incurred substantial expense, sustained a temporary total impairment of her earning capacity, and was unable to pursue her normal activities.

VII.

The plaintiff's injuries are permanent so that she will require future medical care, suffer a permanent impairment of her earning capacity and will remain unable to pursue her normal activities.

VIII.

The plaintiff, Jack D. Goins II, states that because of the injuries sustained by his wife, and because of the permanency of those injuries he has suffered both a temporary and permanent loss of the services, consortium and society of his wife.

WHEREFORE, the plaintiffs Alline E. Goins, and her husband, Jack D. Goins II demands:

Judgment against the defendant for \$1,500,000.00 for compensatory damages; and a jury to try the issues when joined.

RESPECTFULLY SUBMITTED,

WARREN & GRIFFIN, PC

BY: Ryan M. Womack
Ryan M. Womack, Esq.
BPR#: 028869
Attorney for Plaintiffs
736 Georgia Avenue - Suite 600
Chattanooga, Tennessee 37402
(423) 265-4878

ALLINE E. GOINS and husband,
JACK D. GOINS II,
Plaintiffs,

vs.

ASHLAND GARDEN APARTMENTS
and CEDAR LAKE, LLC,
Defendants.

)
) No. _____
)
) IN THE CIRCUIT COURT OF
)
) HAMILTON COUNTY, TENNESSEE
)
) JURY DEMAND

COST BOND

I hereby acknowledge and bind myself for the prosecution of this action and payment of all non-discretionary costs in this Court, which may at any time be adjudged against the plaintiff/petitioner in the event the plaintiff/petitioner shall not pay them.

Witness my hand this 2 day of November, 2017.

Ryan M. Womack
Ryan M. Womack
Warren & Griffin, PC
736 Georgia Avenue - Suite 600
Chattanooga, TN 37402
423-265-4878
Facsimile 423-265-4810

C. MARK WARREN *
JOHN MARK GRIFFIN **
JOHN R. MCCOWN *
STEPHEN B. FARROW *
SCOTT WESSON
ZACHARY W. ENGLAND *
RYAN M. WOMACK
AJ WALKER

* ALSO LICENSED IN GEORGIA
* ALSO LICENSED IN MISSISSIPPI
* ALSO LICENSED IN OHIO

WARREN & GRIFFIN, P.C.
ATTORNEYS AT LAW

736 GEORGIA AVENUE - SUITE 600
CHATTANOOGA, TN 37402
(423) 265-4878
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KIMBERLY MCDANIEL
SARAH MALONE
RADONNA GADDIS
KIM MUNDY
EVA ROMERO
BARBIE STEWART
KRISTIN REYNOLDS
WHITNEY SUTTON
AJ HANSARD
LEGAL ASSISTANTS

November 3, 2017

Cedar Lake, LLC
c/o Registered Agent Smith & Raver, LLP
P.O. Box 7274
Minneapolis, MN 55407

RE: *Alline E. Goins and husband, Jack D. Goins II v. Ashland Garden Apartments and Cedar Lake, LLC*

CERTIFIED MAIL RETURN RECEIPT – 7016 0910 0001 8723 0694

To whom it may concern:

We are sending you a copy of a Complaint which has been filed against you in the Hamilton County Circuit Court Clerk's office, accompanied with a certified copy of the Summons issued by the Circuit Court Clerk. This is being sent to you by CERTIFIED MAIL RETURN RECEIPT REQUESTED.

Upon return to me of the signed mailed delivery notification, I will file same with the Hamilton County Circuit Court Clerk's office accompanied by an appropriate Affidavit attached to the original Summons. Under Tennessee law, this will perfect service of process upon you.

As that Summons says, should you not appear and defend within the appropriate time, judgment by default/ pro confesso will be entered against you.

Very truly yours,

WARREN & GRIFFIN, P.C.



Ryan M. Womack

RMW/knr
Enclosures: Complaint
Summons